

AMENDED IN SENATE APRIL 28, 2003

SENATE BILL

No. 727

Introduced by Senator Kuehl

February 21, 2003

An act to amend Sections 140.5, 1143, 2656, 2679, 2707.5, 2708, 2708.1, 2709, 2714, 3012, 3253, 3254, 3301, 3302, and 3303 of, and to add Sections 3302.1 and 3306 to, the Unemployment Insurance Code, relating to disability compensation.

LEGISLATIVE COUNSEL'S DIGEST

SB 727, as amended, Kuehl. Unemployment and disability compensation: family temporary disability insurance.

Under existing law, the family temporary disability insurance program provides up to 6 weeks of wage replacement benefits to workers who take time off work to care for a seriously ill child, spouse, parent, domestic partner, or to bond with a new child. These benefits are payable for family temporary disability leaves that begin on and after July 1, 2004.

This bill would make conforming and clarifying changes in provisions relating to family temporary disability compensation.

Existing law also requires that an individual claiming disability benefits establish medical eligibility by filing a claim supported by a certificate of a treating physician or practitioner that establishes, among other things, the condition of the family member.

This bill would require that that certificate be within the knowledge of the physician or practitioner and be based on a physical examination and documented medical history of the family member.

This bill would also define the disability benefit period for purposes of the family temporary disability insurance program, clarify the

amount of benefits an individual is eligible to receive each full day under the program, and ~~would~~ authorize the Director of the Employment Development Department to require the care recipient to submit to reasonable examinations, as provided.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 140.5 of the Unemployment Insurance
2 Code is amended to read:

3 140.5. "Unemployment compensation disability benefits" or
4 "disability benefits" refers to money payments payable under Part
5 2 of this division to an eligible unemployed individual with respect
6 to ~~his~~ *the individual's* wage losses due to unemployment as a result
7 of the individual's own illness or injury, the sickness or injury of
8 a family member, or the birth, adoption, or foster care placement
9 of a new child, resulting in that individual being unavailable or
10 unable to work .

11 SEC. 2. Section 1143 of the Unemployment Insurance Code
12 is amended to read:

13 1143. If the director finds that any individual falsely certifies
14 the medical condition of any person in order to obtain disability
15 insurance benefits, including family temporary disability
16 insurance benefits, with the intent to defraud, whether for the
17 maker or for any other person, the director shall assess a penalty
18 against the individual in the amount of 25 percent of the benefits
19 paid as a result of the false certification. The provisions of this
20 article, the provisions of Article 9 (commencing with Section
21 1176) with respect to refunds, and the provisions of Chapter 7
22 (commencing with Section 1701) with respect to collections shall
23 apply to the assessments provided by this section. Penalties
24 collected under this section shall be deposited in the contingent
25 fund.

26 SEC. 3. Section 2656 of the Unemployment Insurance Code
27 is amended to read:

28 2656. (a) An individual eligible to receive disability benefits
29 who receives wages or regular wages from his or her employer
30 during the period of his or her disability *or period of family care*
31 *leave* shall be paid disability benefits for any seven-day week or

1 partial week in an amount not to exceed his or her maximum
2 weekly amount which together with the wages or regular wages
3 does not exceed his or her weekly wage, exclusive of wages paid
4 for overtime work, immediately prior to the commencement of his
5 or her disability *or period of family care leave*.

6 (b) For purposes of this section, to determine the wages or
7 regular wages received by the eligible individual, the amount as
8 stated by the individual shall be presumed to be accurate. This
9 presumption is one affecting the burden of producing evidence.

10 (c) Except as provided in subdivision (g) of Section 3303, for
11 purposes of periods of disability commencing on or after January
12 1, 1992, vacation pay is not considered wages for determining
13 eligibility for disability benefits.

14 SEC. 4. Section 2679 of the Unemployment Insurance Code
15 is amended to read:

16 2679. Notwithstanding any other provision of law, an
17 individual who is otherwise eligible shall not be disqualified for
18 benefits under this part for the day on which he or she or a family
19 member, as defined in Chapter 7 (commencing with Section
20 3300), for whom the individual is providing care, died.

21 SEC. 5. Section 2707.5 of the Unemployment Insurance Code
22 is amended to read:

23 2707.5. (a) The department may for good cause reconsider
24 any determination provided for in this part prior to the filing of an
25 appeal therefrom, or within 30 days after an appeal to an
26 administrative law judge is filed. The department shall promptly
27 notify the claimant of any reconsidered determination, and the
28 claimant may appeal therefrom in the manner prescribed in
29 Section 2707.2. The director shall be an interested party to any
30 appeal.

31 (b) The department may for good cause reconsider any
32 computation or recomputation provided for in this part within one
33 year from the beginning date of the disability benefit period to
34 which the notice of computation or recomputation relates, except
35 that no recomputation may be considered with respect to any issue
36 considered or under consideration in an appeal taken from a denial
37 of recomputation. The department shall promptly notify the
38 claimant of the recomputation. The claimant may protest the
39 accuracy of the recomputation as prescribed in Section 2707.4.

SEC. 6. Section 2708 of the Unemployment Insurance Code, as amended by Section 4 of Chapter 901 of the Statutes of 2002, is amended to read:

2708. (a) (1) In accordance with the director's authorized regulations, and except as provided in subdivision (c) and Sections 2708.1 and 2709, a claimant shall establish medical eligibility for each uninterrupted period of disability by filing a first claim for disability benefits supported by the certificate of a treating physician or practitioner that establishes the sickness, injury, or pregnancy of the employee, or the condition of the family member that warrants the care of the employee. For subsequent periods of uninterrupted disability after the period covered by the initial certificate or any preceding continued claim, a claimant shall file a continued claim for those benefits supported by the certificate of a treating physician or practitioner. A certificate filed to establish medical eligibility for the employee's own sickness, injury, or pregnancy shall contain a diagnosis and diagnostic code prescribed in the International Classification of Diseases, or, where no diagnosis has yet been obtained, a detailed statement of symptoms.

(2) A certificate filed to establish medical eligibility of the employee's own sickness, injury, or pregnancy shall also contain a statement of medical facts including secondary diagnoses when applicable, within the physician's or practitioner's knowledge, based on a physical examination and a documented medical history of the claimant by the physician or practitioner, indicating ~~his or her~~ the physician's or practitioner's conclusion as to the claimant's disability, and a statement of ~~his or her~~ the physician's or practitioner's opinion as to the expected duration of the disability.

(b) A certificate filed to establish medical eligibility of the serious health condition of the family member that warrants the care of the employee shall be within the physician's or practitioner's knowledge and based on a physical examination and documented medical history of the family member and shall contain all of the following:

(1) A diagnosis and diagnostic code prescribed in the International Classification of Diseases, or, where no diagnosis has yet been obtained, a detailed statement of symptoms.

(2) The date, if known, on which the condition commenced.

1 (3) The probable duration of the condition.

2 (4) An estimate of the amount of time that the physician or
3 practitioner believes the employee is needed to care for the child,
4 parent, spouse, or domestic partner.

5 (5) (A) A statement that the serious health condition warrants
6 the participation of the employee to provide care for his or her
7 child, parent, spouse, or domestic partner.

8 (B) “Warrants the participation of the employee” includes, but
9 is not limited to, providing psychological comfort, and arranging
10 “third party” care for the child, parent, spouse, or domestic
11 partner, as well as directly providing, or participating in, the
12 medical care.

13 (c) The department shall develop a certification form *for*
14 *bonding* that is separate and distinct from the certificate required
15 in subdivision (a) for an employee taking leave for reason of the
16 birth of a child of the employee or the employee’s domestic
17 partner, or the placement of a child ~~who is unable to care for~~
18 ~~himself or herself~~ with the employee in connection with the
19 adoption or foster care of the child by the employee or domestic
20 partner.

21 (d) The first and any continuing claim of an individual who
22 obtains care and treatment outside this state shall be supported by
23 a certificate of a treating physician or practitioner duly licensed or
24 certified by the state or foreign country in which the claimant is
25 receiving the care and treatment. If a physician or practitioner
26 licensed by and practicing in a foreign country is under
27 investigation by the department for filing false claims and the
28 department does not have legal remedies to conduct a criminal
29 investigation or prosecution in that country, the department may
30 suspend the processing of all further certifications until the
31 physician or practitioner fully cooperates, and continues to
32 cooperate with the investigation. A physician or practitioner
33 licensed by and practicing in a foreign country who has been
34 convicted of filing false claims with the department may not file
35 a certificate in support of a claim for disability benefits for a period
36 of five years.

37 (e) For purposes of this part:

38 (1) “Physician” has the same meaning as defined in Section
39 3209.3 of the Labor Code.

(2) "Practitioner" means a person duly licensed or certified in California acting within the scope of his or her license or certification who is a dentist, podiatrist, or as to normal pregnancy or childbirth, a midwife, nurse midwife, or nurse practitioner.

(f) For a claimant who is hospitalized in or under the authority of a county hospital in this state, a certificate of initial and continuing medical disability, if any, shall satisfy the requirements of this section if the disability is shown by the claimant's hospital chart, and the certificate is signed by the hospital's registrar. For a claimant hospitalized in or under the care of a medical facility of the United States government, a certificate of initial and continuing medical disability, if any, shall satisfy the requirements of this section if the disability is shown by the claimant's hospital chart, and the certificate is signed by a medical officer of the facility duly authorized to do so.

(g) Nothing in this section shall be construed to preclude the department from requesting additional medical evidence to supplement the first or any continued claim if the additional evidence can be procured without additional cost to the claimant. The department may require that the additional evidence include any or all of the following:

(1) Identification of diagnoses.

(2) Identification of symptoms.

(3) A statement setting forth the facts of the claimant's disability. The statement shall be completed by any of the following individuals:

(A) The physician or practitioner treating the claimant.

(B) The registrar, authorized medical officer, or other duly authorized official of the hospital or health facility treating the claimant.

(C) An examining physician or other representative of the department.

SEC. 7. Section 2708.1 of the Unemployment Insurance Code is amended to read:

2708.1. (a) Except as provided in subdivision (b), where an individual is entitled to receive unemployment compensation disability benefits reduced by the amount of temporary workers' compensation received for any day under Section 2629, it shall not be necessary that he or she obtain a certificate of a physician as required by subdivision (a) of Section 2708 to receive the reduced

1 amount of disability benefits for that day, provided that the
2 claimant submits evidence to the department of receipt of
3 temporary disability benefits under a workers' compensation law
4 for that day.

5 (b) This section does not apply to Chapter 7 (commencing with
6 Section 3300).

7 SEC. 8. Section 2709 of the Unemployment Insurance Code
8 is amended to read:

9 2709. If any individual in good faith adheres to the teachings
10 of any bona fide church, sect, denomination or organization and
11 in accordance with its principles depends for healing entirely upon
12 prayer or spiritual means, no medical examination shall be
13 required, but in lieu thereof the director may accept the certificate
14 of a duly authorized and accredited practitioner of that bona fide
15 church, sect, denomination or organization as to the disability of
16 the claimant, or the serious health condition of the family member
17 that warrants the care of the individual, for purposes of Chapter 7
18 (commencing with Section 3300) of Part 2, and the estimated
19 duration of such disability, and no authorized regulation
20 prescribing the manner of proof of illness, injury, or serious health
21 condition shall discriminate against that individual.

22 SEC. 9. Section 2714 of the Unemployment Insurance Code
23 is amended to read:

24 2714. All medical records of the department obtained under
25 this part, except to the extent necessary for the proper
26 administration of this part, or as provided elsewhere in law shall
27 be confidential and shall not be published or be open to public
28 inspection in any manner revealing the identity of the claimant or
29 family member, or the nature or cause of his or her disability.
30 Medical records that are disclosed shall be disclosed only pursuant
31 to Section 1095, and shall remain confidential.

32 SEC. 10. Section 3012 of the Unemployment Insurance Code
33 is amended to read:

34 3012. (a) Notwithstanding Section 13340 of the Government
35 Code, all money in the Disability Fund is continuously
36 appropriated for the purpose of providing disability benefits
37 pursuant to this part, including the payment of refunds, credits, or
38 judgments, and interest thereon, the payment of disability benefits
39 to all eligible persons not covered exclusively by an approved
40 voluntary plan, and the payment of the expenses of administration

1 of this part and Section 17061 of the Revenue and Taxation Code
2 by the department and the Franchise Tax Board. “Eligible
3 persons” as used in this section, means those individuals who are
4 ~~covered by the Disability Fund at the time their disability benefit~~
5 ~~periods commence, or whose employment has terminated or who~~
6 ~~are in noncovered employment at the time their disability benefit~~
7 ~~periods commence, and who are otherwise eligible for benefits~~
8 ~~under this part.~~ *covered by the Disability Fund at the time his or*
9 *her disability benefit period commences, or whose employment*
10 *has terminated or who is in noncovered employment at the time his*
11 *or her disability benefit period commences, and who is otherwise*
12 *eligible for benefits under this part.*

13 (b) For the purpose of keeping a record of the payments to and
14 the disbursements from the Disability Fund with respect to the
15 payment of benefits to persons whose employment has terminated
16 ~~or who are in noncovered employment at the time their disability~~
17 ~~benefit periods commence, the director shall~~ *or who are in*
18 *noncovered employment at the time his or her disability period*
19 *commences, the director shall* maintain the Unemployed Disabled
20 Account in the Disability Fund. This account shall be credited with
21 12 percent of the product obtained by multiplying the rate of
22 worker contributions as determined in Section 984, by the amount
23 of the taxable wages paid to employees covered by voluntary plans
24 for disability benefits for each calendar year. This account shall
25 also be credited with an amount equal to 12 percent of the product
26 obtained by multiplying the rate of worker contributions, as
27 determined in Section 984, by the amount of the taxable wages
28 paid to employees covered by the Disability Fund for each
29 calendar year. This account shall be charged each calendar year
30 with disbursements from the Disability Fund for the payment of
31 benefits and the additional administrative costs of the payment of
32 benefits to persons whose employment has terminated or who are
33 ~~in noncovered employment at the time their disability benefit~~
34 ~~periods commence.~~ *noncovered employment at the time his or her*
35 *disability benefit period commences.*

36 SEC. 11. Section 3253 of the Unemployment Insurance Code
37 is amended to read:

38 3253. Except as provided in this part, an employee covered by
39 an approved voluntary plan at the commencement of a disability
40 benefit period shall not be entitled to benefits from the Disability

1 Fund. Benefits payable to ~~such an~~ *that* employee shall be the
2 liability of the approved voluntary plan under which the employee
3 was covered at the commencement of the disability benefit period,
4 regardless of any subsequent disabling condition which may occur
5 during that disability benefit period. The Director of Employment
6 Development shall prescribe authorized regulations to allow
7 benefits to individuals simultaneously covered by one or more
8 approved voluntary plans and the Disability Fund.

9 SEC. 12. Section 3254 of the Unemployment Insurance Code,
10 as amended by Section 5 of Chapter 901 of the Statutes of 2002,
11 is amended to read:

12 3254. The Director of Employment Development shall
13 approve any voluntary plan, except one filed pursuant to Section
14 3255, as to which he or she finds that there is at least one employee
15 in employment and all of the following exist:

16 (a) The rights afforded to the covered employees are greater
17 than those provided for in Chapter 2 (commencing with Section
18 2625) ~~and~~, *including* those provided for in Chapter 7
19 (commencing with Section 3300).

20 (b) The plan has been made available to all of the employees of
21 the employer employed in this state or to all employees at any one
22 distinct, separate establishment maintained by the employer in this
23 state. "Employees" as used in this subdivision includes those
24 individuals in partial or other forms of short-time employment and
25 employees not in employment as the Director of Employment
26 Development shall prescribe by authorized regulations.

27 (c) A majority of the employees of the employer employed in
28 this state or a majority of the employees employed at any one
29 distinct, separate establishment maintained by the employer in this
30 state have consented to the plan.

31 (d) If the plan provides for insurance the form of the insurance
32 policies to be issued have been approved by the Insurance
33 Commissioner and are to be issued by an admitted disability
34 insurer.

35 (e) The employer has consented to the plan and has agreed to
36 make the payroll deductions required, if any, and transmit the
37 proceeds to the plan insurer, if any.

38 (f) The plan provides for the inclusion of future employees.

39 (g) The plan will be in effect for a period of not less than one
40 year and, thereafter, continuously unless the Director of

1 Employment Development finds that the employer or a majority
2 of its employees employed in this state covered by the plan have
3 given notice of withdrawal from the plan. The notice shall be filed
4 in writing with the Director of Employment Development and
5 shall be effective only on the anniversary of the effective date of
6 the plan next following the filing of the notice, but in any event not
7 less than 30 days from the time of the filing of the notice; except
8 that the plan may be withdrawn on the operative date of any law
9 increasing the benefit amounts provided by Sections 2653 and
10 2655 or the operative date of any change in the rate of worker
11 contributions as determined by Section 984, if notice of the
12 withdrawal from the plan is transmitted to the Director of
13 Employment Development not less than 30 days prior to the
14 operative date of that law or change. If the plan is not withdrawn
15 on the 30 days' notice because of the enactment of a law increasing
16 benefits or because of a change in the rate of worker contributions
17 as determined by Section 984, the plan shall be amended to
18 conform to that increase or change on the operative date of the
19 increase or change.

20 (h) The amount of deductions from the wages of an employee
21 in effect for any plan shall not be increased on other than an
22 anniversary of the effective date of the plan except to the extent
23 that any increase in the deductions from the wages of an employee
24 allowed by Section 3260 permits that amount to exceed the amount
25 of deductions in effect.

26 (i) The approval of the plan or plans will not result in a
27 substantial selection of risks adverse to the Disability Fund.

28 SEC. 13. Section 3301 of the Unemployment Insurance Code
29 is amended to read:

30 3301. (a) (1) The purpose of this chapter is to establish,
31 within the state disability insurance program, a family temporary
32 disability insurance program. Family temporary disability
33 insurance shall provide up to six weeks of wage replacement
34 benefits to workers who take time off work to care for a seriously
35 ill child, spouse, parent, domestic partner, or to bond with a new
36 child ~~for periods beginning on or after~~ *as of* July 1, 2004.

37 (2) Nothing in this chapter shall be construed to abridge the
38 rights and responsibilities conveyed under the CFRA or pregnancy
39 disability leave.



1 (b) An individual's "weekly benefit amount" shall be the
2 amount provided in Section 2655. An individual is eligible to
3 receive family temporary disability insurance benefits equal to
4 one-seventh of his or her weekly benefit amount for each full day
5 during which he or she is unable to work due to the sickness or
6 injury of a family member, or the birth, adoption, or foster care
7 placement of a new child.

8 (c) The maximum amount payable to an individual during any
9 disability benefit period for family temporary disability insurance
10 shall be six times his or her "weekly benefit amount," but in no
11 case shall the total amount of benefits payable be more than the
12 total wages paid to the individual during his or her disability base
13 period. If the benefit is not a multiple of one dollar (\$1), it shall be
14 computed to the next higher multiple of one dollar (\$1).

15 (d) No more than six weeks of family temporary disability
16 insurance benefits shall be paid within any 12-month period.

17 (e) An individual shall file a claim for family temporary
18 disability insurance benefits not later than the 41st consecutive day
19 following the first compensable day with respect to which the
20 claim is made for benefits, which time shall be extended by the
21 department upon a showing of good cause. If a first claim is not
22 complete, the claim form shall be returned to the claimant for
23 completion and it shall be completed and returned not later than the
24 10th consecutive day after the date it was mailed by the department
25 to the claimant, except that such time shall be extended by the
26 department upon a showing of good cause.

27 SEC. 14. Section 3302 of the Unemployment Insurance Code
28 is amended to read:

29 3302. For purposes of this part:

30 (a) "Care recipient" means the family member or child who is
31 receiving care for a serious health condition.

32 (b) "Care provider" means the family member who is
33 providing the required care.

34 (c) "Child" means a biological, adopted, or foster son or
35 daughter, a stepson or stepdaughter, a legal ward, a son or daughter
36 of a domestic partner, or the person to whom the employee stands
37 in loco parentis .

38 (d) "Domestic partner" has the same meaning as defined in
39 Section 297 of the Family Code.

40 (e) "Family care leave" means any of the following:

(1) Leave for reason of the birth of a child of the employee or the employee's domestic partner, the placement of a child with an employee in connection with the adoption or foster care of the child by the employee or domestic partner, or the serious health condition of a child of the employee, spouse, or domestic partner.

(2) Leave to care for a parent, spouse, or domestic partner who has a serious health condition.

(f) "Family member" means child, parent, spouse, or domestic partner as defined in this section.

(g) "Parent" means a biological, foster, or adoptive parent, a stepparent, a legal guardian, or other person who stood in loco parentis to the employee when the employee was a child.

(h) "Serious health condition" means an illness, injury, impairment, or physical or mental condition that involves inpatient care in a hospital, hospice, or residential health care facility, or continuing treatment or continuing supervision by a health care provider, as defined in Section 12945.2 of the Government Code.

~~(i) "Spouse" has the same meaning as defined in Section 300 of the Family Code.~~

(i) "Spouse" means a partner to a lawful marriage.

(j) "Valid claim" means any claim for family temporary disability insurance benefits made in accordance with the provisions of this code, and any rules and regulations adopted thereunder, if the individual claiming benefits is unemployed and has been paid the necessary wages in employment for employers to qualify for benefits under Section 2652 and is caring for a seriously ill family member, or bonding with a new child during the first year after the birth or placement of the child ~~who is unable to care for himself or herself.~~

(k) "Twelve-month period," with respect to any individual, means ~~the 52-week period beginning~~ *365 consecutive days that begin* with the first day the individual first establishes a valid claim for family temporary disability benefits.

SEC. 15. Section 3302.1 is added to the Unemployment Insurance Code, to read:

3302.1. For purposes of this chapter:

(a) "Disability benefit period" with respect to any individual, means the period of unemployment beginning with the first day an individual establishes a valid claim for family temporary disability

1 insurance benefits to care for a seriously ill family member, or to
2 bond with a new child during the first year after birth, or for
3 *adoption, or for foster care* placement of a child ~~who is unable to~~
4 ~~care for herself or himself.~~

5 (b) Consecutive periods of disability within a 12-month period
6 due to the same or related cause or condition *for the same care*
7 *recipient* shall be considered one disability benefit period.

8 (c) Consecutive periods of disability for pregnancy and
9 bonding associated with the birth of a child shall be considered one
10 disability benefit period.

11 SEC. 16. Section 3303 of the Unemployment Insurance Code
12 is amended to read:

13 3303. (a) An individual shall be deemed eligible for family
14 temporary disability insurance benefits on any day in which he or
15 she is unable to perform his or her regular or customary work
16 because he or she is caring for a new child during the first year after
17 the birth , adoption, or foster care placement of the child or a
18 seriously ill child, parent, spouse, or domestic partner, subject to
19 a waiting period of seven consecutive days during each family
20 temporary disability benefit period where no benefits are payable
21 within that period.

22 (b) An individual is not eligible for family temporary disability
23 insurance benefits with respect to any day that he or she has
24 received or is eligible to receive unemployment compensation
25 benefits under Part 1 (commencing with Section 100) or under an
26 unemployment compensation act of any other state or of the
27 federal government.

28 (c) An individual is not eligible for family temporary disability
29 insurance benefits with respect to any day for which he or she has
30 received, or is entitled to receive, “other benefits” in the form of
31 cash benefits as defined in Section 2629.

32 (d) An individual is not eligible for family temporary disability
33 insurance benefits with respect to any day that ~~he or she~~ *the*
34 *individual* has received or is entitled to receive state disability
35 insurance benefits under Part 2 (commencing with Section 2601)
36 or under a disability insurance act of any other state.

37 (e) An individual is not eligible for family temporary disability
38 insurance benefits with respect to any day that another family
39 member , as defined in Section 3302, is ready, willing, and able and

1 available for the same period of time in a day that the individual
2 is providing the required care.

3 (f) An individual who is entitled to leave under the FMLA and
4 the CFRA must take Family Temporary Disability Insurance
5 (FTDI) leave concurrent with leave taken under the FMLA and the
6 CFRA.

7 (g) As a condition of an employee's initial receipt of family
8 temporary disability insurance benefits during any 12-month
9 period in which an employee is eligible for these benefits, an
10 employer may require an employee to take up to two weeks of
11 earned but unused vacation leave prior to the employee's initial
12 receipt of these benefits. If an employer so requires an employee
13 to take vacation leave, that portion of the vacation leave that does
14 not exceed one week shall be applied to the waiting period required
15 under subdivision (a). This subdivision may not be construed in a
16 manner that relieves an employer of any duty of collective
17 bargaining the employer may have with respect to the subject
18 matter of this subdivision.

19 SEC. 17. Section 3306 is added to the Unemployment
20 Insurance Code, to read:

21 3306. (a) The director may request additional medical
22 evidence to supplement the first or any continued claim if the
23 additional evidence can be procured without additional cost to the
24 care recipient. The director may require that the additional
25 evidence include any or all of the following information:

26 (1) Identification of diagnoses.

27 (2) Identification of symptoms.

28 (3) A statement setting forth the facts of the care recipient's
29 serious health condition that warrants the participation of the
30 employee. The statement shall be completed by any of the
31 following people:

32 (A) The physician or practitioner treating the care recipient.

33 (B) The registrar, authorized medical officer, or other duly
34 authorized official of the hospital or health facility treating the care
35 recipient.

36 (C) An examining physician or other representative of the
37 department.

38 (b) Except as provided in Section 2709, the director may
39 require the care recipient to submit to reasonable examinations for
40 the purpose of determining all of the following:



- 1 (1) Whether a serious health condition exists.
- 2 (2) Whether a care provider's participation is warranted.
- 3 (3) The period of time that the care provider's participation is
- 4 warranted.
- 5 SEC. 18. This act shall become operative on January 1, 2004,
- 6 except that benefits shall be payable for ~~periods of~~ family
- 7 temporary disability ~~leave~~ *insurance claims* commencing on or
- 8 after July 1, 2004.

